

revising the metes and bounds of said district, continuing in full force and effect all legal debts, obligations, and taxes heretofore legally authorized therein, and all other provisions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Senate Chamber,

Austin, Texas, Aug. 10, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

House Concurrent Resolution No. 6 entitled "Concurrent resolution urging Texas Congressional Delegation to urge Congress to reimburse survivors of the Confederacy for the cotton tax imposed upon the products of the soil in 1864, 1866 and 1867,"

Have had the same under consideration, and I am directed by the committee to report same back to the Senate with the recommendation that it do pass and be not printed.

Respectfully,

DOROUGH, Vice Chairman.

#### Petitions and Memorials.

The Chair, Lieutenant Governor Davidson, offered and had read a telegram from Bonham Farm-Labor Bureau urging Consolidation Bill be passed.

Also a communication from Fort Worth Lion's Club, urging adequate appropriation be made for University of Texas.

Senator Bailey offered and had read, resolutions adopted by the school board of Goliad County, asking for an appropriation for the aid of rural schools.

This was referred to Committee on Education.

Senator Richards offered and had read a communication numerous signed from Johnson City urging the passage of laws for the removal of inefficient officers.

Senator Burkett sent up and had read a communication from Roby, Texas, protesting against action of Farmers' Institute assembled at Austin, and protesting against mainte-

nance of Extension Service by Agricultural Department, but urging continuance of same and County Agent work as now maintained, and opposing consolidation of Marketing Department with Agricultural Department.

Also a numerous signed petition from Eastland, Texas, urging regulation of practice of optometry.

Senator Buchanan offered and had read a numerous signed petition from Temple, also one from Belton urging the passage of optometry bill now up for consideration.

#### TWENTIETH DAY.

Senate Chamber,

Austin, Texas,

Thursday, August 11, 1921.

The Senate met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	McMillin.
Buchanan.	Murphy.
Burkett.	Page.
Clark.	Parr.
Cousins.	Richards.
Darwin.	Rogers.
Davidson.	Suiter.
Dorough.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.

Absent.

Baugh.	Hertzberg.
Bledsoe.	Lewis.

Absent—Excused.

Carlock.

Prayer by D. E. Hawk, Presiding Elder of the M. E. Church, South.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator Murphy.

#### Bills and Resolutions.

By Senator Bailey:

S. B. No. 103, A bill to be entitled "An Act to amend Art. 235, Chapter 2, Title 4 of the Code of Criminal Procedure of the State of Texas of 1911; defining the county in which the offense

of forgery of a written instrument, the uttering or passing of a forged written instrument or attempt to utter or pass a forged written instrument, or depositing or placing of such forged written instrument with another person, firm, association or corporation, either for collection or credit for the account of any person, firm, association or corporation and forging and uttering, using or passing a forged instrument in writing which concerns or affects the title to land in this State, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

#### House Concurrent Resolution No. 6.

The Chair laid before the Senate

H. C. R. No. 6, Being a resolution to re-imburse the survivors of the Confederacy for cotton tax illegally collected in 1864-66-67, merely urging U. S. Senators and Congressmen of Texas to support the pending bill before Congress.

The resolution was adopted.

#### Senate Bill No. 41.

Senator Williams here moved to reconsider the vote by which S. B. No. 41, on yesterday, failed of engrossment, which motion to reconsider was lost.

Senator Wood moved to rescind the vote by which the motion to reconsider was lost, which motion to rescind was adopted by the following vote, a two-thirds vote being necessary:

Yeas—20.

Bailey.	Hall.
Buchanan.	Hertzberg.
Burkett.	Page.
Clark.	Rogers.
Cousins.	Suiter.
Davidson.	Watts.
Dorough.	Williams.
Doyle.	Willis.
Fairchild.	Wood.
Floyd.	Woods.

Nays—8.

Baugh.	McMillin.
Bledsoe.	Murphy.
Darwin.	Parr.
Dudley.	Richards.

Absent.

Lewis.	Witt.
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Absent—Excused.

Carlock.

Action then recurred on the motion by Senator Williams to reconsider the vote by which S. B. No. 41 failed of engrossment, on yesterday, which motion to reconsider was adopted by the following vote:

Yeas—19.

Bailey.	Hertzberg.
Burkett.	Lewis.
Clark.	Page.
Cousins.	Rogers.
Davidson.	Suiter.
Dorough.	Watts.
Doyle.	Williams.
Fairchild.	Willis.
Floyd.	Wood.
Hall.	

Nays—8.

Baugh.	McMillin.
Bledsoe.	Murphy.
Darwin.	Parr.
Dudley.	Richards.

Present—Not Voting

Buchanan.

Absent.

Witt.	Woods.
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Absent—Excused.

Carlock.

Action recurred on the engrossment of the bill, and

Senator Wood moved that S. B. No. 41 lay on the table subject to call.

The motion was adopted.

Morning call concluded.

#### Simple Resolution No. 36.

By Senator Dorough:

Whereas, The mother of our beloved Senator, Harry Hertzberg is in the Senate Chamber; and

Whereas, Mrs. Hertzberg is one of the leaders of our State in all matters pertaining to woman's part in the activities of art, music, and education; therefore, be it

Resolved by the Senate of Texas, That Mrs. Hertzberg be invited to address the Senate.

The resolution was read and adopted, and

The Chair appointed Senators Dorough, Witt, Hertzberg and Dudley as a committee to escort Mrs. Hertzberg

to the President's stand, who, after being introduced, addressed the Senate briefly.

#### Senate Bill No. 78.

Consideration of S. B. No. 78, the bill providing for appropriation for the Penitentiary System.

The question recurred on the substitute motion to adopt the Majority Committee report in lieu of the motion to adopt the Minority Committee report, both committee reports being "favorable, with committee amendments," and report can be found in Journal of August 8.

The substitute motion, to adopt the Majority Committee report, was adopted, by the following vote:

#### Yeas—18.

Bledsoe.	Hertzberg.
Buchanan.	McMillin.
Burkett.	Murphy.
Cousins.	Parr.
Darwin.	Rogers.
Doyle.	Watts.
Dudley.	Williams.
Floyd.	Willis.
Hall.	Wood.

#### Nays—10.

Baugh.	Page.
Clark.	Richards.
Dorough.	Suiter.
Fairchild.	Witt.
Lewis.	Woods.

#### Absent.

Bailey.	Davidson.
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#### Absent—Excused.

Carlock.

Action recurred on the engrossment of the bill, and

Senator Woods offered the following amendment:

Amend Committee Amendment by adding thereto after the word "conveyance" the following:

"And the sum of Three Hundred Thousand Dollars (\$300,000.00), or so much thereof as may be necessary is hereby appropriated out of any funds in the State Treasury not otherwise appropriated to the Prison Commission in the maintenance and support and operating expenses of the said Prison Commission up to September 1, 1922. Provided that none of said appropria-

tions shall be used to pay any indebtedness which may be due for the purchase of livestock from Bassett Blakely nor shall any of said money be used in any way on the indebtedness incurred for the oil mill purchased by said Commission; and strict and itemized monthly statements verified by affidavits of the proper authorities of the Prison Commission shall be rendered, one copy of same to be filed with the Governor, one with the Comptroller, and one shall be preserved in the records of the Commission. No part of this \$300,000.00 to be used prior to March 1, 1922.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, Aug. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am instructed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 83, A bill to be entitled "An Act to amend Section 1 of Chapter 33, Local and Special Laws of the State of Texas, being an Act known as Senate Bill No. 44, enacted by the Thirty-sixth Legislature, at its Third Called Session, approved June 15, 1920, increasing the limits of Bertram Independent School District; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 89, A bill to be entitled "An Act creating the Wilson Independent School District in Cameron County, Texas, and declaring an emergency."

H. B. No. 82, A bill to be entitled "An Act amending Chapter 9 of the General Laws of the Thirty-fifth Legislature of the State of Texas, passed at the Fourth Called Session so as to change the time of holding district court in the various counties of the Seventy-second Judicial District of Texas; declaring what counties shall compose the said district; attaching the unorganized county of Cochran to Hockley County for judicial and all other purposes; making process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court as herein fixed, and conform all grand and petit juries drawn to be returnable to the corresponding weeks of the terms as herein defined, and declaring an emergency."

S. B. No. 31, A bill to be entitled "An Act creating the Altair Independent School District in Colorado County, Texas, and declaring an emergency."

H. B. No. 50, A bill to be entitled "An Act creating and incorporating the Wellman Independent School District in Terry County, Texas, and declaring an emergency."

H. B. No. 90, A bill to be entitled "An Act repealing Chapter 102, Local and Special Laws passed by the Thirty-sixth Legislature at its Third Called Session, being an Act creating the Concho Independent School District in Concho County, Texas, etc., and declaring an emergency."

H. B. No. 68, A bill to be entitled "An Act extending and enlarging the area of the present Littlefield Independent School District; defining its boundaries; providing for the continuation in office of the present board of trustees; validating all taxes and bonds now in force for the whole district as now extended and enlarged; confirming the rights of the present trustees under the General Laws of this State; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 69, A bill to be entitled "An Act creating Kress Independent School District in Swisher County, Texas; defining its boundaries, said boundaries including the present Common School District No. 8; providing for a board of trustees in said district; conferring upon its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the board of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms, and declaring an emergency."

H. B. No. 75, A bill to be entitled "An Act creating the Rosenberg Independent School District in Fort Bend County, Texas, and declaring an emergency."

H. B. No. 84, A bill to be entitled "An Act creating a more efficient road system for Tyler County, Texas, and declaring an emergency."

H. B. No. 52, A bill to be entitled "An Act to incorporate the Fruitvale Independent School District in Van Zandt County for free school pur-

poses only; describing its boundaries; providing for a board of school trustees for the control and management of the said independent school district; prescribing the rights, powers, privileges and duties of a town or village incorporated under the General Laws of this State for free school purposes; providing the outstanding bonded indebtedness heretofore voted by Fruitvale Independent School District as heretofore created and Common School Districts numbers 39 and 106, Van Zandt County, shall remain in full force and effect against the territory which voted said bonds; providing that the board of trustees may order an election to determine whether or not the Fruitvale Independent School District as herein created shall assume such outstanding bonded indebtedness; providing for the repeal of Chapter 1 of the Special Laws of Texas passed by the Thirty-third Legislature at its First Called Session, and declaring an emergency."

S. B. No. 30, A bill to be entitled "An Act to amend Section 1, of Chapter 2, General and Special Laws of the First Called Session of the Thirty-fifth Legislature, re-defining the boundaries of the Columbus Independent School District; the said amendment providing for re-defining the boundaries of said district and providing for the extension of said district and the annexation of adjacent territory thereto and providing that the maintenance school tax now being levied, assessed and collected in said district as same existed immediately prior to the passage of this Act, shall not be abrogated by the passage of same, and declaring an emergency."

S. B. No. 45, A bill to be entitled "An Act creating the Nocana Independent School District in Montague County."

S. B. No. 28, A bill to be entitled "An Act creating the McCauley County Line Independent School District in Fisher and Jones counties, Texas."

H. B. No. 47, A bill to be entitled "An Act to fix the time for holding the courts in the Fifth Judicial District of Texas, to validate all process, bonds and recognizances heretofore taken in the courts of said district, and all judgments therein rendered,

or to be rendered, repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 46, A bill to be entitled "An Act creating the Goree Independent School District in Knox County, Texas, defining its boundaries, including the present Goree Independent School District; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges, and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; providing for the validation of the maintenance tax and bonds heretofore voted in said district; providing that said district may extend its boundaries in accordance with the General Laws; providing that the outstanding bonded indebtedness of said district shall remain in full force and providing that said district as herein created may assume such indebtedness; providing for a board of equalization, a tax assessor and collector for said district, and declaring an emergency."

H. B. No. 49, A bill to be entitled "An Act creating the Stamford County Line Independent School District in Jones and Haskell Counties, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; declaring that all taxes or bonds heretofore authorized by any and all former school districts included within the bounds hereof shall remain in full force and effect; providing for the levying, assessing and collecting of taxes for the year 1921, and annually thereafter; providing that such board of trustees shall have the power to take, receive, sell, convey, transfer and dispose of real and personal property; repealing Chapter 2 of the Special Laws of Texas, passed at the Second Called Session of the Thirty-third Legislature; providing for

elementary schools at convenient locations; repealing Chapter 44, Special and Local Laws passed by the Thirty-seventh Legislature at its Regular Session, and declaring an emergency."

H. B. No. 54, A bill to be entitled "An Act to increase the limits of the Albany Independent School District of Shackelford County, Texas; and declaring an emergency."

H. B. No. 55, A bill to be entitled "An Act creating the Canton Independent School District in Van Zandt County, Texas; defining its boundaries, including the present Canton Independent School District; providing for a board of trustees in said district, conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; providing that the outstanding bonded indebtedness of each school district included within the bounds of said district shall remain chargeable against the territory which voted the same; providing that the district as herein created may assume such outstanding bonded indebtedness; providing for the repeal of all laws in conflict herewith, and declaring an emergency."

H. B. No. 66, A bill to be entitled "An Act creating the Gregory Independent School District in San Patricio County, covering the territory known as Gregory Common School District No. 4, in said county; defining its boundaries and providing for a board of trustees and the election thereof, and vesting the management and control of a district in said board and constituting said district a body politic and corporate; authorizing the levy and assessment of taxes, the issuance of bonds, payment of interest, the creating of sinking fund, and stating how taxes shall be levied and assessed and who shall assess and collect same; providing for the assumption by said district of all existing indebtedness of the Gregory Common School District No. 4, and declaring an emergency."

H. B. No. 71, A bill to be entitled "An Act to amend Sections 1 and 2,

Chapter 58, Local and Special Laws of the State of Texas, passed by the Thirty-seventh Legislature at its Regular Session creating the Garwood Independent School District in Colorado County, Texas, redefining the boundaries of said school district, and declaring an emergency."

H. B. No. 59, A bill to be entitled "An Act creating the Ector County Independent School District in Ector County, Texas; defining its boundaries; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing for the election of the first board of trustees; providing that certain outstanding bonded indebtedness shall remain chargeable against the territory which voted same; providing that said independent school district as herein created may assume such indebtedness at an election held for that purpose, vesting the title to all school property in the board of trustees of said district; repealing all laws or parts of laws in conflict and providing that if any provision shall be declared unconstitutional the remaining provisions shall remain in full force and effect, and declaring an emergency."

H. B. No. 152, A bill to be entitled "An Act diminishing the jurisdiction of the county court of Kerr County, Texas, so that such court will have only the jurisdiction of a probate court, and conferring the civil and criminal jurisdiction of said county court upon the district court of Kerr County, and declaring an emergency."

H. C. R. No. 19, Relating to the Frio Mountain.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk House of Representatives.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, Aug. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 14, A bill to be entitled

"An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them, as follows, to-wit: 'The University of Texas, including the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; the Agricultural and Mechanical College, the State Experimental Stations; the Prairie View State Normal, the College of Industrial Arts for Women, the Sam Houston Normal Institute, the North Texas State Normal, the Southwest Texas State Normal, the West Texas State Normal, the East Texas State Normal, the Sul Ross State Normal, the Stephen F. Austin State Normal, the John Tarleton Agricultural College, the Grubbs Vocational College, the Texas State School for the Blind, the State Deaf and Dumb Institute,' for two years, beginning September 1, 1921, and ending August 31, 1923, and declaring an emergency."

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk House of Representatives.

#### Joint Session.

Pending discussion on the amendment, Senator Wood, at 11 o'clock a. m., moved that the Senate repair to the Hall of the House of Representatives for the purpose of attending the ceremonies incident to the hanging of the portrait of Mrs. Clara Sevier in the Capitol building, a program having been arranged by a joint action of the two houses.

#### In the Senate.

The Senate was called to order by Lieutenant Governor Davidson at 11:55 o'clock a. m.

#### Senate Bill No. 78.

Consideration of S. B. No. 78 was resumed, the appropriation for the penitentiary system, the question being on the amendment by Senator Woods et al.

#### House Concurrent Resolution No. 19.

H. C. R. No. 19, Relating to the preservation of a State Park in the Frio Mountains, providing that the committee appointed under H. C. R. No. 17, also investigate this location also, etc.

The resolution was read and adopted.

### **Bills Read and Referred.**

The Chair (Lieutenant Governor Davidson), had referred, after their captions had been read, the following House Bills:

H. B. No. 83 to Committee on Educational Affairs.

H. B. No. 89, to Committee on Educational Affairs.

H. B. No. 82, to Committee on Judicial Districts.

H. B. No. 50, to Committee on Educational Affairs.

H. B. No. 90, to Committee on Educational Affairs.

H. B. No. 68, to Committee on Educational Affairs.

H. B. No. 69, to Committee on Educational Affairs.

H. B. No. 75, to Committee on Educational Affairs.

H. B. No. 84, to Committee on Roads, Bridges and Ferries.

H. B. No. 52, to Committee on Educational Affairs.

H. B. No. 47, to Committee on Judicial Districts.

H. B. No. 46, to Committee on Educational Affairs.

H. B. No. 49, to Committee on Educational Affairs.

H. B. No. 54, to Committee on Educational Affairs.

H. B. No. 55, to Committee on Educational Affairs.

H. B. No. 66, to Committee on Educational Affairs.

H. B. No. 71, to Committee on Educational Affairs.

H. B. No. 59, to Committee on Educational Affairs.

H. B. No. 152, to Committee on Educational Affairs.

H. B. No. 81, to Committee on Judicial Districts.

H. B. No. 48, to Committee on Educational Affairs.

H. B. No. 51, to Committee on Educational Affairs.

H. B. No. 72, to Committee on Educational Affairs.

H. B. No. 73, to Committee on Educational Affairs.

H. B. No. 74, to Committee on Educational Affairs.

H. B. No. 62, to Committee on Educational Affairs.

H. B. No. 65, to Committee on Educational Affairs.

H. B. No. 14, to Committee on Finance.

### **Recess.**

On motion of Senator Clark, the Senate, at 12:10 o'clock p. m., recessed until 2:30 o'clock today.

### **After Recess.**

The Senate was called to order by Lieutenant Governor Davidson.

### **House Bill No. 14.**

Senator Dudley asked unanimous consent to take up, at this time, H. B. No. 14, which consent was given, and

On motion of Senator Suiter, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 14 put on its second reading by the following vote:

### **Yeas—30.**

Bailey.	Hertzberg.
Raugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Burkett.	Page.
Clark.	Parr.
Cousins.	Richards.
Darwin.	Rogers.
Davidson.	Suiter.
Dorough.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.

### **Absent—Excused.**

Carlock.

The Chair laid before the Senate, on second reading.

H. B. No. 14, being the general appropriation bill for the support of the State Educational institutions.

Previous to taking up the bill, Senator Dudley offered the following committee report:

### **Senate Chamber,**

Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 14, which is a bill providing funds for the Educational institutions,

Have had the same under consideration, and beg leave to report the same back to the Senate with a recommen-

dation that it do not pass, but that the Committee Substitute do pass, and be not printed.

DUDLEY, Chairman.

The Senate rule requiring committee reports to lie over for one day was, on motion of Senator Dudley, suspended.

The above committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 14 put on its third reading and final passage by the following vote:

Yeas—30.

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Burkett.	Page.
Clark.	Parr.
Cousins.	Richards.
Darwin.	Rogers.
Davidson.	Suiter.
Dorough.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.

Absent—Excused.

Carlock.

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Page.
Clark.	Parr.
Cousins.	Richards.
Darwin.	Rogers.
Davidson.	Suiter.
Dorough.	Watts.
Dudley.	Williams.
Fairchild.	Willis.
Floyd.	Witt.
Hall.	Wood.
Hertzberg.	Woods.
Lewis.	

Nays—1.

Doyle.

Absent.

Buchanan.

Burkett.

Absent—Excused.

Carlock.

### Simple Resolution No. 37.

Whereas, The "Twin Sisters," the historic cannon used effectually in the battle of San Jacinto, and afterwards used throughout the Civil War in defense of Southern rights, which guns were, at the termination of the latter war, buried to keep them from falling into the hands of the enemy; and

Whereas, Many people of Texas desire the recovery of said guns that they may be kept as memories of a heroic people; therefore, be it

Resolved, That Five Hundred Dollars, or so much thereof as may be necessary, be appropriated out of the public funds not otherwise appropriated, for the purpose of prosecuting search for said guns.

DOYLE,  
WATTS,  
PARR.

The above resolution was read and referred to Committee on Finance.

### Simple Resolution No. 38.

By Senator Richards:

Whereas, The Hon. Martin Faust, a former member of the Senate, is a visitor in the City of Austin, and is now on the floor of the Senate; therefore be it

Resolved, That he be invited to address the Senate and be extended the privileges of the floor of the Senate.

The resolution was read and adopted.

The Chair appointed Senators Richards, Floyd and Woods to escort the visitor to the President's stand and who, after being introduced, addressed the Senate briefly.

### Senate Bill No. 50—Refused to Take Up.

Senator Hall asked unanimous consent to suspend the pending business and take up S. B. No. 50, and there was objection.

Senator Hall moved to suspend the pending business, and take up S. B. No. 50.

The motion was lost by the following vote, a two-thirds vote being necessary:

Yeas—12.

Bailey.

Fairchild.



Floyd.	Richards.
Hall.	Rogers.
Murphy.	Suiter.
Page.	Watts.
Parr.	Williams.

## Nays—17.

Baugh.	Dudley.
Bledsoe.	Hertzberg.
Burkett.	Lewis.
Clark.	McMillin.
Cousins.	Willis.
Darwin.	Witt.
Davidson.	Wood.
Dorough.	Woods.
Doyle.	

## Absent.

Buchanan.

## Absent—Excused.

Carlock.

## Senate Bill No. 78.

Consideration of S. B. No. 78 was resumed, the question being an amendment by Senator Woods, et al.

After discussion, action recurred on the amendment, and the same was lost by the following vote:

## Yeas—12.

Baugh.	Page.
Clark.	Richards.
Davidson.	Suiter.
Dorough.	Watts.
Fairchild.	Witt.
Lewis.	Woods.

## Nays—18.

Bailey.	Hall.
Bledsoe.	Hertzberg.
Buchanan.	McMillin.
Burkett.	Murphy.
Cousins.	Parr.
Darwin.	Rogers.
Doyle.	Williams.
Dudley.	Willis.
Floyd.	Wood.

## Absent—Excused.

Carlock.

Action recurred on the engrossment, Senator Page moved to postpone the further consideration of the bill indefinitely, and,

Senator Dudley moved to table the motion to indefinitely postpone, which motion was adopted by the following vote:

## Yeas—23.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Buchanan.	Richards.
Burkett.	Rogers.
Cousins.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Doyle.	Willis.
Dudley.	Witt.
Floyd.	Wood.
Hertzberg.	

## Nays—3.

Clark.	Lewis.
Dorough.	

## Present—Not Voting

Fairchild.	Woods.
Page.	

## Absent.

Hall.

## Absent—Excused.

Carlock.

The bill was passed to engrossment.

On motion of Senator McMillin, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 78 put on its third reading and final passage by the following vote:

## Yeas—25.

Baugh.	Hertzberg.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Burkett.	Parr.
Clark.	Richards.
Cousins.	Rogers.
Darwin.	Suiter.
Davidson.	Williams.
Dorough.	Willis.
Doyle.	Witt.
Dudley.	Wood.
Floyd.	Woods.
Hall.	

## Nays—2.

Fairchild.	Watts.
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## Present—Not Voting

Bailey.	Page.
Lewis.	

## Absent—Excused.

Carlock.

The bill was read third time, and, Senator Page made the point of or-

der that the bill had not been printed and laid on the desks of the Senators as required by the rules, and could not be considered.

The Chair, Lieutenant Governor Davidson, overruled the point of order.

The bill was finally passed by the following vote:

**Yeas—24.**

Bailey.	Hertzberg.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Parr.
Burkett.	Richards.
Cousins.	Rogers.
Darwin.	Suiter.
Davidson.	Williams.
Dorough.	Willis.
Doyle.	Witt.
Dudley.	Wood.
Floyd.	Woods.

**Nays—2.**

Clark.	Watts.
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**Present—Not Voting**

Fairchild.	Lewis.
Hall.	Page.

**Absent—Excused.**

Carlock.

**Message from the House.**

Hall of the House of Representatives,  
Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the return of S. B. No. 35 for further consideration.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

**Senate Bill No. 35.**

Senator Suiter called from the table the motion to reconsider the vote by which S. B. No. 35 was finally passed by the Senate.

Senator Suiter moved to table the motion to reconsider, which motion to table was adopted by the following vote:

**Yeas—18.**

Baugh.	Clark.
Buchanan.	Cousins.
Burkett.	Davidson.

Dorough.	Suiter.
Fairchild.	Watts.
Floyd.	Williams.
McMillin.	Willis.
Murphy.	Witt.
Rogers.	Woods.

**Nays—12.**

Bailey.	Hertzberg.
Bledsoe.	Lewis.
Darwin.	Page.
Doyle.	Parr.
Dudley.	Richards.
Hall.	Wood.

**Absent—Excused.**

Carlock.

(Senator Suiter in the chair.)

**Senate Bill No. 24.**

The Chair laid before the Senate, on third reading,

S. B. No. 24. A bill to be entitled "An Act to amend Article 1853 in Chapter 6 of Title 37 of the Revised Civil Statutes of the State of Texas, relating to citations."

The bill was read third time and passed finally.

**Senate Bill No. 77.**

Senator Richards called from the table, and the Chair laid before the Senate, on second reading,

S. B. No. 77. A bill to be entitled "An Act to prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and franchise of a street railroad company may become owners of its charter, or may organize a new corporation, and declaring an emergency."

The bill was read second time and failed of engrossment by the following vote:

**Yeas—12.**

Bailey.	Murphy.
Burkett.	Page.
Cousins.	Parr.
Doyle.	Richards.
Fairchild.	Suiter.
Lewis.	Wood.

**Nays—15.**

Baugh.	Dudley.
Bledsoe.	Floyd.
Buchanan.	Hertzberg.
Clark.	McMillin.
Dorough.	Rogers.

Watts. Witt.  
Williams. Woods.  
Willis.

Present—Not Voting.

Davidson. Hall.

Absent.

Darwin.

Absent—Excused.

Carlock.

#### Message from the Governor.

Governor's Office,  
Austin, Texas, August 11, 1921.  
To the Texas Senate,

Senate Chamber, Capitol Building.  
Gentlemen: I have today named as a member of the Board of Prison Commissioners, in the place of W. H. Rand, resigned, Sanford Jones Dean, of Ranger, Eastland County.

As your Honorable body has only a few days in which to consider the wisdom of confirming this appointment, I take the liberty of giving you the following data concerning Mr. Dean:

He is a native Texan, born at Galveston, April 12, 1870. He attended the public schools at Galveston and later spent three years as a student in the University of Texas. He has been for the past thirty years, and is at this time, a resident of Ranger, Eastland County. During these thirty years Mr. Dean has been engaged in the mercantile and banking business. He is at present Finance Commissioner of the City of Ranger, to which office he was elected in April of this year. He is a member of the Episcopal Church.

Mr. Dean is now in the City of Austin, and, at my request will remain here until after you have passed on his nomination. I shall be glad if you will invite him to come before your committee and the Senate, in order that you may, in passing upon his qualifications for the position to which I have appointed him, have the benefit of a personal acquaintance with him.

Respectfully yours,

PAT M. NEFF, Governor.

#### Senate Bill No. 86.

The Chair laid before the Senate, on second reading, S. B. No. 86, and Senator Hertzberg moved that the bill lie on the table subject to call.

#### Senate Bill No. 98.

By unanimous consent, the Chair laid before the Senate, on second reading,

S. B. No. 98, A bill to be entitled "An Act providing that any city or town of this State having a population of 161,000 or more, according to last United States census, may provide for the payment of current expenses of said city or town for any fiscal year or portion thereof by the issuance of warrants drawn against the general revenues of said city or town for such fiscal year to the extent of eighty per cent of such revenues, etc."

The bill was read second time and passed to engrossment.

On motion of Senator Hertzberg, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 98 put on its third reading and final passage by the following vote:

Yeas—30.

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Burkett.	Page.
Clark.	Parr.
Cousins.	Richards.
Darwin.	Rogers.
Davidson.	Suiter.
Dorough.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.

Absent—Excused.

Carlock.

The bill was read third time and passed finally by the following vote:

Yeas—28.

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Burkett.	Page.
Clark.	Parr.
Cousins.	Richards.
Davidson.	Rogers.
Dorough.	Suiter.
Doyle.	Watts.
Dudley.	Williams.
Fairchild.	Willis.
Floyd.	Witt.
Hall.	Wood.

**Absent.**

Darwin. Woods.  
Absent—Excused.  
Carlock.

**Message from the House.**

Hall of the House of Representatives,  
Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the  
Senate.

Sir: I am directed by the House to  
inform the Senate that the House re-  
fused to concur in Senate amendments  
to H. B. No. 8, and request the appoint-  
ment of a Free Conference Committee.  
The Speaker announces the following  
as the Free Conferees on part of the  
House on H. B. No. 8: Hill, Pollard,  
Teer, Lackey, Marshall.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

**Senate Bill No. 43.**

The Chair laid before the Senate, on  
second reading,

S. B. No. 43, A bill to be entitled  
"An Act to amend Art. 1531e, Chapter  
16, Title 18 of the Penal Code, so as  
to provide that incorporated cities may  
permit obstruction of a street, not part  
of a designated State highway, by rail-  
way passenger trains for longer time  
than specified by law, and declaring  
an emergency."

The committee report was adopted.

The bill was read second time and  
passed to engrossment.

On motion of Senator Rogers, the  
constitutional rule requiring bills to  
be read on three several days was sus-  
pended and S. B. No. 43 put on its  
third reading and final passage by the  
following vote:

**Yeas—24.**

Bailey.	Murphy.
Baugh.	Page.
Bledsoe.	Parr.
Darwin.	Richards.
Davidson.	Rogers.
Dorough.	Suiter.
Doyle.	Watts.
Dudley.	Williams.
Hall.	Willis.
Hertzberg.	Witt.
Lewis.	Wood.
McMillin.	Woods.

18—Senate.

**Nays—4.**

Burkett. Fairchild.  
Clark. Floyd.

**Present—Not Voting.**

Buchanan.

**Absent.**

Cousins.

**Absent—Excused.**

Carlock.

The bill was read third time and  
on motion of Senator Watts, the bill  
was laid on the table subject to call.

**Senate Bill No. 75.**

Senator McMillin called from the ta-  
ble, and the Chair laid before the Sen-  
ate, on second reading

S. B. No. 75, A bill to be entitled  
"An Act to re-locate the Penitentiary  
of Texas, and to establish and erect  
a central prison system in the State  
of Texas; providing for the sale of  
the main penitentiary at Huntsville,  
and all the prison farms owned by  
said State, creating a special commis-  
sion to select proper site for same,  
and to provide a plan for the sale  
of the main penitentiary and all  
farms belonging to the system; defin-  
ing the powers of said Commission,  
ad declaring an emergency."

The bill was read second time yester-  
day, and,

Senator Hertzberg offered the follow-  
ing two amendments, separately, which  
were read and adopted:

Amend S. B. No. 75 by striking out  
of line 3, Section 6, everything after  
the word "the" and by striking out  
all of lines 4 and 5 and by striking  
out everything before the word "who"  
in line 6, and by reciting in lieu thereof  
the words "Governor of Texas, the At-  
torney General of Texas and the Land  
Commissioner of Texas."

Amend S. B. No. 75, Section 13, by  
striking out everything after the word  
"hereunder" line 4.

The bill was passed to engrossment  
by the following vote:

**Yeas—20.**

Bailey.	Cousins.
Baugh.	Darwin.
Bledsoe.	Dorough.
Buchanan.	Doyle.
Burkett.	Dudley.

Floyd.	Parr.
Hertzberg.	Williams.
McMillin.	Willis.
Murphy.	Witt.
Page.	Wood.

Nays—5.

Clark.	Richards.
Fairchild.	Suiter.
Lewis.	

Absent.

Davidson.	Watts.
Hall.	Woods.
Rogers.	

Absent—Excused.

Carlock.

(Lieutenant Governor Davidson in the chair.)

On motion of Senator Hertzberg, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 75 put on its third reading and final passage by the following vote:

Yeas—24.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Page.
Buchanan.	Parr.
Burkett.	Richards.
Cousins.	Rogers.
Darwin.	Watts.
Dorough.	Williams.
Doyle.	Willis.
Dudley.	Witt.
Floyd.	Wood.
Hertzberg.	Woods.

Nays—4.

Clark.	Lewis.
Fairchild.	Suiter.

Present—Not Voting.

Hall.

Absent.

Davidson.

Absent—Excused.

Carlock.

The bill was read third time and passed by the following vote:

Yeas—22.

Bailey.	Buchanan.
Baugh.	Burkett.
Bledsoe.	Cousins.

Darwin.	Murphy.
Dorough.	Page.
Doyle.	Parr.
Dudley.	Watts.
Floyd.	Williams.
Hall.	Willis.
Hertzberg.	Witt.
McMillin.	Wood.

Nays—5.

Clark.	Richards.
Fairchild.	Suiter.
Lewis.	

Present—Not Voting.

Woods.

Absent.

Davidson.

Rogers.

Absent—Excused.

Carlock.

#### House Bill No. 8—Conference Committee On.

The Chair announced the appointment of the following members of the Conference Committee, on part of the Senate, on H. B. No. 8:

Senators Suiter, Bledsoe, Parr, Page and Richards.

#### Senate Bill No. 95.

The Chair laid before the Senate, on second reading,

S. B. No. 95, A bill to be entitled "An Act creating the Mineola Independent District, and declaring an emergency."

The committee report was adopted.

On motion of Senator Suiter, the Constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 95 put on its third reading and final passage by the following vote:

Yeas—29.

Bailey.	Floyd.
Baugh.	Hall.
Bledsoe.	Hertzberg.
Buchanan.	Lewis.
Burkett.	McMillin.
Clark.	Murphy.
Cousins.	Page.
Darwin.	Parr.
Davidson.	Richards.
Dorough.	Rogers.
Doyle.	Suiter.
Dudley.	Watts.
Fairchild.	Williams.

Willis. Wood.  
Witt.

Absent.

Woods.

Absent—Excused.

Carlock.

(Senator Page in the chair.)

The bill was read third time and passed by the following vote:

Yeas—29.

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Burkett.	Page.
Clark.	Parr.
Cousins.	Richards.
Darwin.	Rogers.
Davidson.	Suiter.
Dorough.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	

Absent.

Woods.

Absent—Excused.

Carlock.

Senate Bill No. 50.

The Chair laid before the Senate, on second reading,

S. B. No. 50, A bill to be entitled "An Act to define and regulate the practice of optometry; to create a Board of Examiners, prescribing its qualifications, powers, and duties; to provide for the registration and examination of applicants and the issuance of license and certificates; to prescribe the qualifications of applicants; to provide that the County Clerk of each county shall keep a record; to fix fees and require payment into the General Fund of the State of Texas; to provide for the registration of optometrists and the revocation of their licenses for cause; to require licenses and certificates to be displayed; to prescribe manner of practice outside of principal office; to fix penalties; to provide that this Act shall not apply to persons selling spectacles and eye glasses as merchandise from permanently established places of business, officers or agents of the United States or the State of Texas in discharge of

official duties; to give no authority for the use or sale of drugs, medicines or eye lotions or for the use of any titles to indicate the practice of medicine; to provide that the use of the title of Optomerist and practice of Optometry, as defined, shall not be construed as the practice of medicine; to provide that if any part is held unconstitutional, it shall not invalidate any other part; to repeal laws in conflict and to declare an emergency."

The committee report was adopted.

Senator Hall offered the following amendment:

Amend S. B. No. 50, page 233, Senate Journal, by striking out all of Section 1. and insert in lieu thereof the following:

"Section 1. The practice of Optometry is hereby defined to be the employment of any means, other than the use of drugs, or surgery, for the measurement of the powers of vision, and the adaptation of lenses for the aid thereof."

Senator Hertzberg offered the following amendment to the amendment:

Amend the amendment: "Sec. 1. The practice of Optometry is hereby defined to be the employment of objective or subjective means without the use of drugs, for the purposes of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision."

The amendment to the amendment was read and adopted, and,

The amendment, as amended, was adopted.

Senator Burkett offered the following amendment, which was read and adopted:

Amend S. B. No. 50, by adding the following at the end of Section as amended:

"Provided that nothing herein shall be construed to permit Optometrists to treat the eyes for any defect whatever or in any manner to administer any drug or drugs externally or internally nor to prescribe drug or drugs or physical treatment whatsoever unless such Optometrist is a regular licensed physician under the laws of the State."

Senator Clark offered the following amendment, which was read and adopted:

Amend S. B. No. 50 in Section 17, on page 237 of Journal, line 4, after the

word "merchandise" by adding the words "and those who fit glasses for their customers."

Senator Witt offered the following amendment:

Amend S. B. No. 50, page 237 of the Journal, Sec. 17 of the bill, by striking from said Section the words "from permanently established places of business."

Senator Hall moved to table the amendment, which motion to table was adopted by the following vote:

**Yeas—15.**

Baugh.	Lewis.
Buchanan.	McMillin.
Burkett.	Page.
Doyle	Parr.
Dudley.	Richards.
Fairchild.	Watts.
Floyd.	Williams.
Hall.	

**Nays—14.**

Bledsoe.	Murphy.
Clark.	Rogers.
Cousins.	Suiter.
Darwin.	Willis.
Davidson.	Witt.
Dorough.	Wood.
Hertzberg.	Woods.

**Absent.**

Bailey.

**Absent—Excused.**

Carlock.

Senator Hertzberg offered the following amendment, which was read and adopted:

Amend the bill so as to add Section 16a, the same to read as follows:

"Section 16a. Any one practicing optometry in this State, who shall prescribe or fit lenses for any diseased condition of the eye or for any disease of any other organ of the body that manifests itself in the eye, shall be deemed to be practicing medicine within the meaning of the Statutes of this State defining the practice of medicine and prohibiting the practice thereof without a license, and any such person possessing no license to practice medicine shall be liable to prosecution for the unlawful practice of medicine without a license, and upon conviction thereof, shall be subject to the same penalties or punishment as is prescribed by law for the practice of medicine without a license."

Senator Clark offered the following

amendment, which was read and adopted:

Amend S. B. No. 50, on page 237, Section 17, in line 5 by striking out after the word "business" all of the words up to "officers."

Senator Doyle offered the following amendment:

Amend S. B. No. 50, page 233, Section 2, by erasing the figures \$5,000 and inserting in lieu thereof \$1,000.

Senator Hall moved to table the amendment, which motion to table was adopted by the following vote:

**Yeas—16.**

Baugh.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Fairchild.	Richards.
Floyd.	Rogers.
Hall.	Watts.
Lewis.	Williams.
McMillin.	Witt.

**Nays—12.**

Bledsoe.	Doyle
Clark.	Dudley.
Cousins.	Hertzberg.
Darwin.	Willis.
Davidson.	Wood.
Dorough.	Woods.

**Absent.**

Bailey.

Suiter.

**Absent—Excused.**

Carlock.

Senator Darwin offered the following amendment, which was read and adopted:

Amend the bill, page 236-237, by cutting out Sec. 15 and by numbering the following sections accordingly.

Senator Dudley moved to reconsider the vote by which the amendment by Senator Witt was tabled, which motion to reconsider was adopted by the following vote:

**Yeas—15.**

Baugh.	Hertzberg.
Bledsoe.	Murphy.
Clark.	Rogers.
Cousins.	Willis.
Darwin.	Witt.
Davidson.	Wood.
Dorough.	Woods.
Dudley.	

## Nays—13.

Buchanan.	McMillin.
Burkett.	Page.
Doyle	Parr.
Fairchild.	Richards.
Floyd.	Watts.
Hall.	Williams.
Lewis.	

Absent.

Bailey. Suiter.

Absent—Excused.

Carlock.

The amendment was adopted by the following vote:

## Yeas—15.

Baugh.	Hertzberg.
Bledsoe.	Murphy.
Clark.	Rogers.
Cousins.	Willis.
Darwin.	Witt.
Dorough.	Wood.
Doyle	Woods.
Dudley.	

## Nays—13.

Buchanan.	McMillin.
Burkett.	Page.
Davidson.	Parr.
Fairchild.	Richards.
Floyd.	Watts.
Hall.	Williams.
Lewis.	

Absent.

Bailey. Suiter.

Absent—Excused.

Carlock.

Senator Buchanan here moved that Senator Bailey be excused from the session this afternoon, which motion was adopted.

(Lieutenant Governor Davidson in the chair.)

At 5:45 o'clock p. m., Senator Clark moved that the Senate adjourn until 9:30 o'clock tomorrow morning, which motion was lost by the following vote:

## Yeas—10.

Baugh.	Doyle
Bledsoe.	Hertzberg.
Clark.	Willis.
Cousins.	Wood.
Davidson.	Woods.

## Nays—17.

Buchanan.	Murphy.
Burkett.	Page.
Darwin.	Parr.
Dorough.	Richards.
Dudley.	Rogers.
Fairchild.	Watts.
Floyd.	Williams.
Hall.	Witt.
Lewis.	

Absent.

Bailey. Suiter.

Absent—Excused.

Carlock.

## Senate Bill No. 50.

Action recurred on S. B. No. 50, question being on the engrossment, and the bill was passed to engrossment by the following vote:

## Yeas—17.

Baugh.	McMillin.
Buchanan.	Murphy.
Burkett.	Page.
Darwin.	Parr.
Davidson.	Rogers.
Fairchild.	Watts.
Floyd.	Williams.
Hall.	Witt.
Lewis.	

## Nays—10.

Bailey.	Hertzberg.
Clark.	Richards.
Cousins.	Willis.
Doyle	Wood.
Dudley.	Woods.

Absent.

Bledsoe.

Absent—Excused.

Carlock.

(Pair Recorded.)

Senator Dorough (present), who would vote "nay"; with Senator Suiter (absent), who would vote "yea."

Senator Hall moved that the constitutional rule requiring bills to be read on three several days be suspended and S. B. No. 50 put on its third reading.

The motion was lost by the following vote:



## Yeas—19.

Baugh.	McMillin.
Buchanan.	Murphy.
Burkett.	Page.
Darwin.	Parr.
Davidson.	Richards.
Dorough.	Rogers.
Fairchild.	Watts.
Floyd.	Williams.
Hall.	Witt.
Lewis.	

## Nays—9.

Bledsoe.	Hertzberg.
Clark.	Willis.
Cousins.	Wood.
Doyle	Woods.
Dudley.	

## Absent.

Bailey.	Suiter.
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## Absent—Excused.

Carlock.

## Senate Bill No. 43.

Senator Rogers called from the table, and the Chair laid before the Senate, S. B. No. 43 (the bill had been read third time at this afternoon's session).

Senator Cousins here moved that the Senate adjourn until 9:30 o'clock tomorrow morning, which motion was lost.

Action recurred on the final passage of S. B. No. 43, and the bill passed finally by the following vote:

## Yeas—16.

Baugh.	Murphy.
Clark.	Page.
Darwin.	Parr.
Davidson.	Rogers.
Dorough.	Watts.
Dudley.	Willis.
Hertzberg.	Witt.
Lewis.	Woods.

## Nays—11.

Bledsoe.	Floyd.
Buchanan.	Hall.
Burkett.	McMillin.
Cousins.	Richards.
Doyle	Wood.
Fairchild.	

## Absent.

Suiter.	Williams.
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## Absent—Excused.

Bailey.	Carlock.
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## Message from the Governor.

Governor's Office,  
Austin, Texas, Aug. 11, 1921.  
To the Members of the Texas Senate.  
Gentlemen: At the request of Senator Bledsoe I submit to you the attached local bill pertaining to the creation of the New Home Independent School District in Crosby County.  
Respectfully submitted,  
PAT M. NEFF,  
Governor.

## Bills and Resolutions.

(By unanimous consent.)

By Senator Bledsoe:

S. B. No. 104, A bill to be entitled "An Act creating the New Home School District in Crosby County, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

## Senate Bill No. 99.

Senator Darwin asked unanimous consent to take up S. B. No. 99, and there was objection.

Senator Darwin moved to suspend the regular order of business and take up S. B. 99, which motion was adopted by the following vote:

## Yeas—23.

Baugh.	McMillin.
Bledsoe.	Murphy.
Burkett.	Page.
Clark.	Parr.
Cousins.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Dorough.	Willis.
Dudley.	Witt.
Floyd.	Wood.
Hertzberg.	Woods.
Lewis.	

## Nays—4.

Buchanan.	Fairchild.
Doyle	Richards.

## Absent.

Bailey.	Williams.
Hall.	

## Absent—Excused.

Carlock.

The Chair laid before the Senate, on second reading,

S. B. No. 99, A bill to be entitled "An Act to amend Section 1 of Sen-

ate Bill No. 37, enacted at the Second Called Session of the Thirty-sixth Legislature, defining the boundaries of the 'Three P Independent School District' in Fannin County, Texas, revising the metes and bounds of said district, continuing in full force and effect all legal debts, obligations, and taxes heretofore legally authorized therein, and all other provisions, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 99 put on its third reading and final passage by the following vote:

Yeas—29.

Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Burkett.	Page.
Clark.	Parr.
Cousins.	Richards.
Darwin.	Rogers.
Davidson.	Suiter.
Dorough.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	Woods.
Hertzberg.	

Absent.

Bailey.

Absent—Excused.

Carlock.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Burkett.	Page.
Clark.	Parr.
Cousins.	Richards.
Darwin.	Rogers.
Davidson.	Suiter.
Dorough.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Floyd.	Witt.
Hall.	Wood.
Hertzberg.	Woods.

Nays—1

Fairchild.

Absent.

Bailey.

Absent—Excused.

Carlock.

#### Bills Signed.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 26, A bill to be entitled "An Act to close West Sycamore Street in the City of Denton, Texas, between Avenues A and B, upon the concurrence of the City Commission or the governing body of said city, dedicating the same to the use and benefit of the North Texas State Normal College, and declaring an emergency."

S. B. No. 30, A bill to be entitled "An Act to amend Section 1, of Chapter 2, General and Special Laws of the First Called Session of the Thirty-fifth Legislature, re-defining the boundaries of the Columbus Independent School District; the said amendment providing for re-defining the boundaries of said district and providing for the extension of said district and the annexation of adjacent territory thereto and providing that the maintenance school tax now being levied, assessed and collected in said district as same existed immediately prior to the passage of this Act, shall not be abrogated by the passage of same; and declaring an emergency."

S. B. No. 31, A bill to be entitled "An Act creating the Altair Independent School District in Colorado County, Texas, and defining its boundaries, and providing for the election of a board of trustees to manage and control the public free schools within said district, naming the fiscal year as to taxes, investing said district with all the powers, rights and duties of independent school districts formed for free school purposes only, and declaring an emergency."

S. B. No. 32, A bill to be entitled "An Act creating the Tehuacana Independent School District, in Lime-stone county, Texas; defining the boundaries; providing for a board of

trustees in said district; conferring upon said district and its board of trustees all the rights, powers, and privileges and duties now conferred and imposed by the General Laws of the State upon independent school districts and the boards of trustees thereof; providing for the election of trustees, and their title and rights to school property; providing for changes in the boundary lines of said district; declaring that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof shall remain in full force and effect; providing for the raising of revenue, issuing of bonds for building and maintaining school houses, etc., and declaring an emergency."

S. B. No. 33, A bill to be entitled "An Act creating the Mexia Independent School District in Limestone County, Texas; defining its boundaries, etc., and divesting the City of Mexia of the control of its public school property and vesting the same in said independent school district, etc., and declaring an emergency."

S. B. No. 28, A bill to be entitled "An Act creating the McCauley County Line Independent School District in Fisher and Jones counties, Texas."

S. B. No. 36, A bill to be entitled "An Act authorizing commissioners courts of any county having a population in excess of two hundred thousand persons containing a city of one hundred and sixty thousand persons as ascertained by the United States census last preceding such official action, to establish, maintain and operate a law library for such county, to provide funds therefor, to receive gifts or bequests therefor, to employ custodian or custodians for such library, to require a bond or bonds of such custodian or custodians, to make all orders, rules, and regulations thought proper for the establishment, maintenance and operation of such library; providing for the disposition of such funds with its county treasurer or other official, discharging such duty, and the separation of such funds, as a special fund, providing for the establishment and payment of plans on account of such library, and repealing Chapter 61, Acts of the Thirty-seventh Legislature, Regular Session, and all other laws and parts of laws in conflict therewith."

S. B. No. 39, A bill to be entitled "An Act to prescribe the time and fix the terms of holding the district courts in the counties comprising the Seventy-ninth Judicial District of Texas; and to conform all writs and process from such courts to such changes and to make all process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of courts in said districts as herein fixed and to validate the summoning of grand and petit jurors therein; to repeal Section 2 of Chapter 48 of the laws of the Thirty-fourth Legislature passed and approved March 12, 1915, relating to the time of holding district courts in said district, etc., and declaring an emergency."

S. B. No. 45, A bill to be entitled "An Act creating and establishing the Nocana Independent School District of Montague County, Texas; defining its boundaries; providing for a board of trustees and the manner of their election; vesting title to all school property within said district in the board of trustees, and their successors in office; charging said district with the payment of all indebtedness of any and every nature whatsoever and the performance of all contracts of the schools that are included within said district, etc."

S. B. No. 14, A bill to be entitled "An Act to amend Chapter 87, General Acts of the Regular Session of the Thirty-fifth Legislature providing for organization and government of water improvement and irrigation districts, and amended by subsequent statutes, by adding to said statutes new sections to be known as Sections 138 and 139, relating to the power of water improvement and irrigation districts organized under the conservation amendment to incur debt and issue bonds, and validating proceedings of districts heretofore had, and declaring an emergency."

S. B. No. 46, A bill to be entitled "An Act to amend Section 2 and Section 10, Chapter 18 of the General Laws of the Thirty-seventh Legislature, approved February 28, 1921, and to add a new section thereto to be known as Section 6a, providing for the construction, maintenance and operation of the American Legion Memorial Sanitorium of Tex-

as and the leasing of same to the Federal Government, and declaring an emergency."

**Graft Investigating Committee Report.**

The following is printed here by order of the Senate:

Austin, Texas, Aug. 11, 1921.

Hon. Lynch Davidson, Lieutenant Governor.

Hon. Charles G. Thomas, Speaker of the House of Representatives, Austin, Texas.

Sirs: We, your Committee appointed under and by virtue of House Concurrent Resolution No. 10, beg leave to report as follows:

First: Your committee met on July 25th, and organized by electing Ben. L. Cox chairman of the Joint Committee, and Senator Paul D. Page vice chairman, and Representative J. E. Quaid secretary.

The firm of Affiliated Court Reporters was employed by the Committee to furnish the Committee with an expert stenographer and reporter to take down the testimony and prepare the transcript of evidence. We agreed to pay said stenographer a per diem of \$5.00 per day and a total of 23c per 100 words for an original copy and four carbon copies inclusive for the transcript of evidence.

The bill for said stenographic service is submitted with this report and we recommend that same be paid out of the contingent expense fund of the Senate and House, an equal amount from each house.

Second: We have met from day to day and have accumulated and placed in the transcript of the record much documentary evidence and we have examined many witnesses, including the Governor, the State Treasurer, the State Health Officer and two members of the Fire Rating Board. We submit with our report a complete transcript of such documentary evidence and the oral evidence of the witnesses examined by us.

Third: The primary purpose and object of the Committee's work was to investigate the charges of graft and extravagance that had been made by Governor Neff, which consisted of five matters detailed by him to your committee, as follows:

(a) With reference to graft and mismanagement in the penitentiary system of the State.

(b) A shortage in the Treasurer's office.

(c) The padding of the scholastic census in certain counties to an aggravated degree.

(d) Irregularities in the Health Department with reference to bogus checks and otherwise padding the pay roll at the Houston Clinic.

(e) In the Fire Insurance Department with reference to padding expense accounts, with special reference to the action of certain employees of the State Fire Rating Board while engaged at Wichita Falls.

Fourth: Your Committee has confined itself to a careful investigation of these subjects thus covered by the Governor's charges.

**Penitentiary System.**

We made no investigation into the charges against the management and conduct of the State Penitentiary System because such investigation was being made with great length and care by a special committee to which the matter had been entrusted, and the report of which committee fully covers said subject.

**Treasury Department.**

We find that one of the employees of this department misappropriated funds to the amount of \$15,149.19; that he left the State, we are informed, for the Republic of Mexico; that he has since been indicted and brought back to Texas for trial, and that such trial is now pending in the courts of the State. That there has been repaid into the treasury of the said sum so misappropriated, the amount of \$9,131.77, which was paid over to the treasurer by relatives and friends of the said employee or treasury official. That there yet remains due the State the sum of \$6,017.42. That the said employee was under a good and solvent bond, and that the bondsmen are ready to pay over to the State Treasurer the said balance or any other balance that may remain due by reason of the said defaulting official or employee; that said balance has not been paid to this date because the Attorney General's Department

deemed it wise to have a complete audit of the books of the Treasury Department with which to settle with the bondsmen and also as evidence in the trial of any case or indictment against the said official; that said audit will be made as soon as the present appropriation bill has been passed, which contains an item placing an adequate fund at the disposal of the Governor for such purposes.

The investigation shows that certain employees of the Treasury Department have for some time past practiced a policy of borrowing small sums from the Treasury by placing a slip or tab showing the amount withdrawn in the fund as so much cash and then at the next pay day the amount of such slip or tab would be deducted from the salary of the particular employee. This practice is to be condemned and present State Treasurer Holton advises your Committee that the same is no longer practiced.

#### Department of Education.

The charges in this particular dealt particularly with an alleged padding of the scholastic census at Corpus Christi, and possibly some other counties in the State. To determine the correctness of the census in these several counties was a matter beyond the scope of your Committee, acting within the limited time before it, and in view of the fact that the particular subject is being investigated by the Educational Department itself no action was taken upon this matter.

#### Health Department.

Two branches of this department were investigated by your Committee, one with reference to the Houston Clinic where there had been established and operated jointly by the Federal Government, the State of Texas and the City of Houston, a clinic for the treatment of venereal diseases. Certain employees of this clinic have raised their salaries by placing upon the pay roll names of people, usually relatives of some of the managers or employees, which person would draw a check or voucher from the State for services not rendered by themselves, but would deliver the check or voucher over to the other person whose salary

it was desired to raise or augment. In this way and by similar means of padding the expense account at such clinic there is a shortage of \$795.00, in which the State Health Department would have a half interest.

The vouchers by which this money was drawn were properly o.k.'d, and on their face appeared in every way regular, and the irregularity was apparent only to the local management of the institution. A refund of this amount has been promised by financially responsible relatives of the managers of the clinic at Houston, said promise being in writing and in possession of the Attorney General's Department.

The entire responsibility of said occurrence has been assumed by an employee of the Federal Government, who was in charge of the clinic. This fund has not been returned because the Attorney General has deemed it wise to have an audit made, and the matter occupies the same position as that of the Treasury Department. As soon as the audit is made and the exact amount due the State and Federal Government is ascertained the Attorney General's Department assures your Committee that in their opinion they will be able to collect all of said funds that have been irregularly drawn out of the Houston Department.

The other matter concerning the Health Department, investigated by your Committee, had reference to a certain deposit of \$1,823.02, made to the credit of Dr. Manton M. Carrick.

#### Fumigation Fund.

It appears that during the former administration of the Health Department that there had been collected along the border certain fees which had accumulated in the hands of the officials, and which the Treasury Department did not take over, as such fund was apparently unauthorized by law, and was therefore permitted to remain in the hands of the Health Department as a surplus or an excess above what was used in doing fumigating work. This fund, it seems in the exact figures of \$1,823.02, was turned over from the head of the Health Department to his successor, and in turn was again delivered to the next succeeding

health officer, and finally delivered to Dr. Carrick, who is the present State Health officer. The same is now in the bank at Austin intact, in the name of Dr. Milton M. Carrick. There is apparently no crookedness or mystery about the accumulation or handling of this fund. It seems that no one, however, is authorized to receive or use the same. We, therefore, respectfully recommend that the State Health Officer be directed to deliver this fund to the State Treasurer, to be placed to the credit of the general fund of the State of Texas.

#### Fire Insurance Department.

We find in this connection that the charges of irregularities in this department were originally made and discovered by a member of the State Fire Rating Board, namely, Mr. G. W. Tilley, who holds the position on said commission or board as State Fire Marshal. It appears that in determining the proper rate and classification of the City of Wichita Falls that several young men employees of the department who spent something like thirty days in said city, turned in an expense account in which they charged the department with \$3.00 a day for board and \$1.75 per day for room rent; that in fact these men did not pay the sum of \$1.75 per day for room rent, but that their actual expenditure on this item was only \$1.16 per day. It appears from the testimony, however, that these men did actually expend for necessary expenses a sum equal to the amount turned in by them in their expense bills, and in order to have money to meet these expenses, three of them occupied one room in order to secure a lower rate, and that they did thereby secure a lower rate than if they had each occupied a separate room. This was the irregularity, which was promptly corrected by Mr. Tilley and his department as soon as discovered, and has resulted apparently in reducing the expense account of these traveling employees.

These young men are still in the employ of the department, and it is not believed by your Committee that there was any intent to defraud the State out of anything, and that in fact the State was not defrauded out

of anything, but that the money collected was actually expended for necessary expenses and turned in under the head of room rent.

The funds expended by traveling employees of the State Fire Rating Board came from a gross-receipt tax of one-fourth of one per cent on the fire insurance companies of the State, and no appropriation of State funds is made for this purpose. We feel that the practice of said employees is to be condemned but that the State Fire Rating Board has taken all necessary precautions and steps to cure the irregularities herein complained of.

#### Conclusion.

We feel that there will be no financial loss to the State from any of the transactions referred to in this report, and that the money in each instance will in due time be recovered. We recommend the adoption of this report. We further recommend that a copy of this report be printed in the Journal, and that the original report, together with the original transcript of the evidence taken by the Committee, be filed with the Secretary of State as a permanent record of the State Department.

Respectfully submitted,  
PAGE,  
DAVIDSON,  
WITT,

On part of the Senate.  
COX,  
HALL,  
BONHAM,  
LACKEY,  
QUAID,

On part of the House.

#### Adjournment.

On motion of Senator Clark the Senate, at 6 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

#### APPENDIX.

##### Committee Reports.

Committee Room,  
Austin, Texas, August 11, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 101,

Have had the same under considera-

tion, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DUDLEY, Chairman.

Committee Room,  
Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 74,

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Senate Chamber,  
Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 98 carefully compared, and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 95 carefully compared, and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 78 carefully compared, and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 70 carefully compared, and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 56

carefully compared, and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, August 10, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 66 carefully compared, and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, August 10, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 84 carefully compared, and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,  
Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 81, A bill to be entitled

"An Act to amend Chapter 15, pages 30 and 31 of the laws passed at the Regular Session of the Thirty-seventh Legislature by correcting the time and terms of holding court in the Sixty-third Judicial District, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

RICHARDS, Chairman.

Committee Room,  
Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 84, A bill to be entitled "An Act creating a more efficient road system for Tyler County, Texas, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

McMILLIN, Chairman.

Committee Room,  
Austin, Texas, August 11, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Education, having had under consideration

S. B. No. 90, A bill to be entitled "An Act to amend Section No. 1, Chapter 62, of the Local and Special Laws of the Regular Session of the Thirty-seventh Legislature, re-defining the boundaries of the O'Donnell Independent School District in Lynn and Dawson counties, and declaring an emergency."

I am instructed to report that it do pass, with amendments, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, August 9, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 100, A bill to be entitled "An Act creating the Cooper Independent School District in Delta County, Texas; defining its boundaries; divesting the City of Cooper of the control of its public schools and of its school property and vesting the same in said independent school district and its Board of Trustees; conferring upon said District and its Board of Trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the board of trustees thereof; and providing that this Act shall take effect from and after January 1, 1922; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, August 10, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 102, A bill to be entitled "An Act creating the Ranger Independent School District in Eastland County, Texas, and defining its boundaries and providing for a Board of Trustees, and providing that the present Board

of Trustees continue in office until the expiration of their present term and providing that the outstanding bonded indebtedness shall remain chargeable against the territory which voted same, and providing that same shall not be chargeable against any of the new territory added and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the amendment, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, August 11, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 75, A bill to be entitled "An Act creating the Rosenberg Independent School District in Fort Bend County, Texas; defining its metes and bounds, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, August 11, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 72, A bill to be entitled "An Act creating the Coulter Common School District No. 45, in Colorado County, Texas; defining its boundaries, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, August 11, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 49, A bill to be entitled "An Act creating the Stamford County Line Independent School District in Jones and Haskell counties, Texas; de-



fining its boundaries, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 62, A bill to be entitled "An Act creating the Stanton Independent School District in Martin County, Texas; defining its boundaries, including the present Stanton Independent School District; providing for a Board of Trustees in said District, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 59, A bill to be entitled "An Act creating the Ector County independent School District in Ector County, Texas; defining its boundaries, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 46, A bill to be entitled "An Act creating the Goree Independent School District in Knox County, Texas, defining its boundaries, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 73, A bill to be entitled "An Act creating the Nada Common School District No. 35, in Colorado County, Texas; defining its boundaries, etc."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 89, A bill to be entitled "An Act creating the Wilson Independent School District in Cameron County, Texas, and defining its boundaries; providing for the selection of a Board of Trustees therefor, providing for the selection of a secretary," etc.,

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 71, A bill to be entitled "An Act to amend Sections 1 and 2, Chapter 58, Local and Special Laws of the State of Texas, passed by the Thirty-seventh Legislature at its Regular Session, creating the Garwood Independent School District in Colorado County, Texas, re-defining the boundaries of said school district, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

## Committee Room,

Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 52, A bill to be entitled "An Act to incorporate the Fruitvale Independent School District in Van Zandt County for free school purposes only; describing its boundaries," etc.,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

## Committee Room,

Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 50, A bill to be entitled "An Act creating and incorporating the Wellman Independent School District in Terry County, Texas; defining the boundaries thereof," etc.,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

## Committee Room,

Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 51, A bill to be entitled "An Act creating the Flatonja Independent School District in Fayette County, Texas; defining its boundaries," etc.,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

## Committee Room,

Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 83, A bill to be entitled "An Act to amend Section 1 of Chapter 33, Local and Special Laws of the State

of Texas, being An Act known as S. B. No. 44, enacted by the Thirty-sixth Legislature, at its Third Called Session, approved June 15, 1920, increasing the limits of Bertram Independent School District," etc.,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

## Committee Room,

Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 48, A bill to be entitled "An Act repealing Chapter 49 of the Special Laws passed at the Regular Session of the Thirty-seventh Legislature creating the Lueders County Line Independent School District in Jones and Shackelford counties, and reviving Chapter 11 of the Special Laws passed at the Second Called Session of the Thirty-first Legislature," etc.,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

## Committee Room,

Austin, Texas, Aug. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 54, A bill to be entitled "An Act to increase the limits of the Albany Independent School District of Shackelford County, Texas; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

## Committee Room,

Austin, Texas, Aug. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 74, A bill to be entitled

"An Act creating the Vox Populi Common School District No. 5, in Colorado County, Texas; defining its boundaries; etc.,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Aug. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 68, A bill to be entitled "An Act extending and enlarging the area of the present Littlefield Independent School District; defining its boundaries; etc.,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Aug. 11, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 66, A bill to be entitled "An Act creating the Gregory Independent School in San Patricio County covering the territory known as Gregory Common School District No. 4 in said county, defining its boundaries, etc.,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Aug. 11, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 65, A bill to be entitled "An Act creating the Taft Independent School District in San Patricio County, covering the territory known as Taft Common School District No.

12, in said county, defining its boundaries, etc.,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Aug. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 69, A bill to be entitled "An Act creating Kress Independent School District in Swisher County, Texas; defining its boundaries, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Aug. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 55, A bill to be entitled "An Act creating the Canton Independent School District in Van Zandt County, Texas; defining its boundaries, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Aug. 11, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 90, A bill to be entitled "An Act repealing Chapter 102, Local and Special Laws passed by the Thirty-sixth Legislature at its Third Called Session, being 'An Act creating the Concho Independent School District in Concho County,

Texas, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

#### Petitions and Memorials.

Senator Burkett offered and had read a petition from Anson urging passage of measure regulating practice of optometry.

Senator Woods sent up and had read two telegrams from Corsicana, one opposing action of Legislature in reducing appropriation for University of Texas, the other commending action of Lower House in cutting this appropriation.

#### TWENTY-FIRST DAY.

Senate Chamber,  
Austin, Texas,

Friday, August 12, 1921.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Bailey.

The roll was called, a quorum being present, the following Senators answering to their names.

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Burkett.	Page.
Clark.	Parr.
Cousins.	Rogers.
Darwin.	Suiter.
Davidson.	Williams.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hall.	

Absent.

Dorough.	Watts.
Richards.	

Absent—Excused.

Carlock.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Murphy.

#### Special Committee Report.

Senator Page here moved that the

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report of the Investigating Committee on what is known as "graft charges" be laid on the table subject to call.

#### Conference Report on Redistricting Bill.

Austin, Texas, August 11, 1921.

Hon. Lynch Davidson, President of the Senate; and Hon. Chas. G. Thomas, Speaker of the House of Representatives.

Sirs: We, your committee selected and appointed to adjust the differences between the Senate and House on

H. B. No. 8. A bill to be entitled "An Act to amend Articles 24 and 25, Revised Civil Statutes of Texas, 1911, apportioning the State of Texas into Senatorial Districts; declaring what counties shall constitute each Senatorial District; providing for returns of elections; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and have adjusted the differences between the Senate and House, and beg leave to report as follows, to wit:

We recommend that the House concur in the Senate amendments to said H. B. No. 8.

Respectfully submitted,

SUITER,  
PARR,  
RICHARDS,  
BLED SOE,  
PAGE,

On the part of the Senate.

HILL,  
TEER,  
MARSHALL,  
POLLARD,

On the part of the House.

The above report was read and adopted by the following vote:

Yeas—21.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Burkett.	Parr.
Clark.	Rogers.
Cousins.	Suiter.
Darwin.	Watts.
Davidson.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hall.	

Nays—4.

Doyle.	Willis.
Hertzberg.	Woods.